

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DURA DUNN,)	
)	
Plaintiff,)	
)	No. 4:10-CV-606 CAS
v.)	
)	
ZURICH AMERICAN INSURANCE)	
COMPANY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to compel discovery responses from defendant.

The Federal Rules of Civil Procedure 37 provide in regard to a motion to compel discovery that "[t]he motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(a)(1). Furthermore, Eastern District Local Rule 3.04(A) provides with respect to motions concerning discovery and disclosure that:

[t]he Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has **conferred in person or by telephone** with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

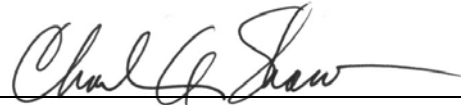
E.D. Mo. L.R. 3.04(A) (emphasis added).

Plaintiff failed to attach a certification that the parties conferred or attempted to confer in good faith in person, by telephone or otherwise. Because plaintiff has not complied with Federal

Rule of Civil Procedure 37(a)(1) and Local Rule 3.04(A), the Court will not consider the instant motion and will deny the same without prejudice. Counsel is also advised that this Court only addresses discovery motions at its monthly discovery motion docket. Please see the Case Management Order, ¶ 4.f., and the undersigned's Judge's Requirements at the Eastern District of Missouri's Internet website, www.moed.uscourts.gov, for additional information concerning the discovery motion docket.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Dura Dunn's motion to compel is **DENIED without prejudice**. [Doc. 53]

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 18th day of April, 2011.